

*This Week in Washington*



WITH CONGRESSMAN  
JO BONNER

### Tanker Contract Protested

Early last week, Boeing announced it was formally protesting the U.S. Air Force's decision to award the \$40 billion aerial refueling tanker contract to Northrop Grumman.

A formal protest is filed with the U.S. Government Accountability Office (GAO). As required by law, GAO will issue a decision within 100 days of the filing date, which means the decision should be issued no later than June 19, 2008.

The GAO may schedule hearings during the course of the protest in order to gain additional information. After the GAO has gathered all the facts, it will consider the issues raised as well as the facts presented and issue a decision either denying the protest, dismissing the protest without reviewing the matter, or sustaining the protest.

It is rare for the GAO to sustain a protest. In FY2007, out of 1,411 protests – only 91, or 6% of the protests, were sustained.

By all accounts, this competition was the most rigorous, fair and transparent acquisition process in the history of the U.S. Department of Defense, and the Air Force made what it determined to be the best choice for the warfighter.

The suggestion that this competition – a competition that was the second attempt by the Air Force to procure a tanker after the first deal with Boeing ultimately imploded as a result of illegal dealings – was anything but fair and transparent is laughable.

Boeing is also charging that it was somehow disadvantaged in this competition – that they did not understand what the Air Force wanted. This charge strains credibility. Boeing has built every tanker the Air Force has ever flown.

They were the heavy favorite.

While I am disappointed Boeing has chosen to protest this contract, we must let the process run its course.

Let us not forget, these aircraft are 47 years old, and they are getting older by the day. Our American airmen, soldiers, sailors, and Marines need these tankers today.

The time is now - we must provide the best, most capable aircraft to our men and women in uniform. They deserve no less.

#### House Holds Rare, Closed Session

For the first time in 25 years, the House of Representatives held a closed session last week in order to discuss the terrorism surveillance program under the Foreign Intelligence Surveillance Program, FISA.

These private sessions are held in order for members to discuss matters requiring secrecy in order to protect our national security. When a closed session is called, the public galleries are cleared of spectators, members are escorted from the House floor by Capitol Police, the doors of the chamber are closed, and the premises are swept for listening devices and other possible security breaches.

All in attendance – both members and parliamentary officers – take an oath of secrecy. The remarks, votes, and parliamentary proceedings are considered secret and are not published in the Congressional Record.

The last closed session in the House was in 1983 when the House discussed sensitive information regarding America's support for the Contras in Latin America. Since 1825, only five closed House sessions have taken place.

Indeed, a closed session is a rare maneuver, but grave matters, such as providing critical updates to our terrorist surveillance program, require the private session in order for open, candid debate to occur.

Regretfully, following the closed session, the House Democratic leadership moved forward with bringing its own version of the bill to the House floor.

It is important to remember that earlier this year, the Senate overwhelmingly passed a bill that also has broad support in the House, the support of President George Bush as well as Director of National Intelligence (DNI) Mike McConnell. However, Speaker Pelosi has thus far refused to bring this bill to the House floor for a vote, knowing she would lose the vote.

Instead, the version pushed through the House last week has little chance of passing in the Senate or getting the president's signature.

Congress is now adjourned for an 18-day district work period. Keep in mind the temporary legislation that provides critical updates to FISA – filling gaps and loopholes in the original, 30-year old legislation – expired last month.

Friends, we are less safe today because that update has not been renewed.

Following the expiration of the Protect America Act, DNI McConnell said "What it created was uncertainty, and the position from the private sector point of view, 'Am I protected? Does the law allow you to compel me to comply?'

And when the [Protect America Act] expired last week, that's in question.

And that's why we feel that we are less capable of doing our job."

Sadly, the terrorist threat to our country is here to stay. We must ensure that our intelligence agencies have the ability to monitor foreign, terrorist telephone calls and emails – without one hand tied behind our back.

My staff and I work for you. If we can ever be of service, do not hesitate to call my office toll free at 1-800-288-8721.

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*For release the week of Monday, March 17, 2008. For more information please contact Mike Lewis at (202)225-4931.*